UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JAN 29 2016

Koppers Industries, Inc.
785 Railroad Street
Green Spring, WV 26722

Re: SPCC case number: TBD-WV-2016-00005
Release date: November 9, 2015

Dear Sir/Madame:

The purpose of this letter is to determine whether you/your facility is in compliance with the Spill Prevention, Control and Countermeasures (SPCC) Regulations found at Title 40 C.F.R. Part 112, as well as request information about the release that occurred at your facility on November 9, 2015, during the dismantling of a tank. You/your facility is hereby required to submit to the U.S. Environmental Protection Agency (EPA) the information requested herein within thirty (30) days of your receipt of this letter pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a).

1. Does your Facility store oil in the amount of 1,320 gallons or more above ground, (using a de minimus container size of 55 gallons), or store oil in excess of 42,000 gallons underground (excluding completely buried storage tanks subject to all the technical requirements of the Underground Storage Tank (UST) regulations [40 C.F.R. Parts 280 or 281])?
   Yes or No: _____

2. Complete the table below including containers that are 55 gallons or greater in size. Please attach additional pages if needed.

Container Size	Type of Oil	Aboveground or Underground	Installation Date	Type of Secondary Containment Provided

3. List oil-filled operational equipment and associated storage capacities (*see Enclosure for definition*).

_____
_____
_____
_____

4. List mobile refuelers or other tanker trucks capable of storing oil and associated capacities which are parked at the facility (*see Enclosure for definition*).

_____
_____
_____

5. List the date the Facility began operations. _____

6. Does your Facility have an SPCC Plan certified by a Professional Engineer with an affixed seal and implemented in accordance with 40 C.F.R. Part 112.3(d)? Or self-certified by the Facility owner/operator in accordance with 40 CFR Part 112.6(a)? Yes or No: _____. **If yes, please submit a copy of the SPCC Plan.**

7. Describe the surface water body nearest to and provide the distance from the Facility. Distance: _____

   a. Is the water, as described above, a navigable waterway? *(See Enclosure for definition.)* Yes or No: _____

   b. Is the water a tributary of or physically connected to a navigable waterway? Yes or No: _____

   c. If the answer to 7(b) is yes, describe or name the tributary(s) or describe the physical connections.

_____
_____

8. If the answer to 7(b) is no, does the water described above in Item 7 periodically connect with or flow into any hydrological or creek system? If yes, describe the flow and connection.

_____
_____

9. Please describe the procedures in place to prevent any discharges from reaching a navigable waterway.

10. Identify all substances released from the Facility during the incident reported on **November 9, 2015**. Specifically, identify:
    a. The name and Chemical Abstract Services ("CAS") Number for each substance released;
    b. For oils, identify the type and grade;

c. Provide the quantity, concentration of each substance released and the method by which the concentration was measured or estimated. For mixtures, provide the name, quantity, and concentration of each constituent of that mixture;
d. Provide the solubility and specific gravity of each substance released;
e. Provide the Material Safety Data Sheet (MSDS).

11. Describe the physical source (including, but not limited to vehicle, outfall, tank, container, pipe, ditch, conduit, or equipment) at the Facility from which the oil and/or hazardous substance or substances (the term "substance" as used here includes both oils and hazardous substances) initially was released. If the substance was released from more than one source, please identify each specific source.

12. Provide a complete description of the cause or causes of the discharge.

13. Provide the total quantity of undiluted substance(s) released.

14. Identify the first body of water that the substance reached. Identify the actual or estimated quantity of the substance(s) that entered that water body. Describe the location of any other water bodies that the substance(s) subsequently entered, including the actual or approximate distance from the Facility. In addition, state the actual or estimated quantity of the substance(s) that entered those additional water bodies.

15. Describe any damage to animal life or vegetation that you observed or otherwise have knowledge of.

16. Describe all steps taken to contain and clean up the spill and to mitigate any environmental damage and/or threat to human health.

Please certify the above information in the following manner:

I hereby certify the above to be true and accurate to the best of my knowledge.

Signature: _____ Date: _____

Name (please print or type): _____

Title: _____

Telephone Number: _____

If you/your facility fail to properly respond to this request, you/your facility may be subject to the following penalties. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), any person who violates Section 308 of the Act is subject to administrative penalties. Pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d), any person who violates Section 308 of the Act is subject to a civil penalty of up to $37,500 per day of violation. In addition, pursuant to Section 309 (c)(1) of the Act, 33 U.S.C. § 1319(C)(1), any person who negligently violates Section 308 of the Act may be punished by a fine of

not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or by both.

In addition, providing false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

Your response should be submitted within **thirty (30) days** of your receipt of this letter to:

U.S. Environmental Protection Agency
Region III, Arlín Galarza-Hernández
Oil and Prevention Branch (3HS61)
1650 Arch Street
Philadelphia, PA 19103-2029

If you have any questions on this matter, you may call Arlín Galarza-Hernández, SPCC/FRP Coordinator at (215) 814-3223.

Sincerely,

Joan Armstrong

Joan Armstrong, Associate Director
Office of Enforcement
Hazardous Site Cleanup Division

Enclosures

cc: case file

ENCLOSURE

DEFINITIONS

Discharge: For purposes of Section 311 of the Act, a ***discharge*** to navigable waters or adjoining shorelines includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping, but excludes certain discharges in compliance with a permit under Section 402 of the Act.

Navigable Waters: Navigable waters of the United States means ``navigable waters'' as defined in section 502(7) of the FWPCA, and includes: (1) All navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 Amendments to the FWPCA (Pub. L. 92-500), and tributaries of such waters; (2) Interstate waters; (3) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and (4) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

Mobile Refueler: Mobile refueler means a bulk storage container onboard a vehicle or towed, that is designed or used solely to store and transport fuel for transfer into or from an aircraft, motor vehicle, locomotive, vessel, ground service equipment, or other oil storage container.

Oil-filled Operational Equipment: Oil-filled operational equipment means equipment that includes an oil storage container (or multiple containers) in which the oil is present solely to support the function of the apparatus or the device. Oil-filled operational equipment is not considered a bulk storage container, and does not include oil-filled manufacturing equipment (flow-through process). Examples of oil-filled operational equipment include, but are not limited to, hydraulic systems, lubricating systems (*e.g.*, those for pumps, compressors and other rotating equipment, including pumpjack lubrication systems), gear boxes, machining coolant systems, heat transfer systems, transformers, circuit breakers, electrical switches, and other systems containing oil solely to enable the operation of the device.